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September 2005

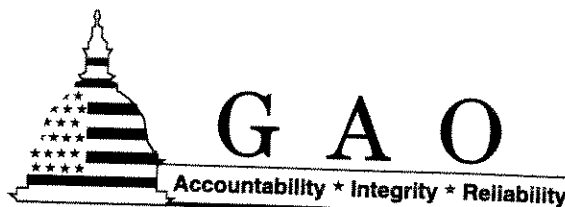
BORDER SECURITY

DRAFT**Strengthened Visa
Process Would Benefit
from Improvements in
Staffing and
Information Sharing**

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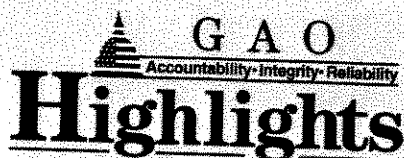
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Abbreviations

CLASS	Consular Lookout and Support System
DHS	Department of Homeland Security
FBI	Federal Bureau of Investigation

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Highlights of GAO-05-859, a report to congressional committees

Why GAO Did This Study

GAO reported in October 2002 that the visa process needed to be strengthened as an antiterrorism tool and recommended that the Secretary of State, in consultation with appropriate agencies, (1) develop a clear policy on the role of national security in the visa process, (2) create more comprehensive guidance on how consular officers should screen against potential terrorists, (3) fundamentally reassess staffing requirements, and (4) revamp and expand consular training. This report examines State and other agencies' progress in implementing changes to the visa process since 2002, in visa policy and guidance; consular resources, including staffing and training; and the extent to which U.S. agencies share information with visa adjudicators.

What GAO Recommends

To further improve the visa process as an antiterrorism tool and facilitate legitimate travel, GAO is making several recommendations to the Secretaries of State and Homeland Security in the areas of visa policy, consular resources, and information sharing. We are also including a matter for congressional consideration regarding visa adjudicators' access to FBI criminal history information.

www.gao.gov/cgi-bin/getrpt?GAO-05-859.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Jess T. Ford at (202) 512-4128 or fordj@gao.gov.

DRAFT

September 2005

BORDER SECURITY

Strengthened Visa Process Would Benefit from Improvements in Staffing and Information Sharing

What GAO Found

The Department of State (State), the Department of Homeland Security (DHS), and other agencies have taken many steps to strengthen the visa process as an antiterrorism tool. Led by the Assistant Secretary of State for Consular Affairs, consular officers have received clear guidance on the importance of national security. We observed that consular officers at 8 posts, including those of special interest to antiterrorism efforts, regard security as their top priority, while recognizing the importance of facilitating legitimate travel. State has also increased hiring of consular officers, targeted recruitment of foreign language proficient officers, revamped consular training with a focus on counterterrorism, and increased resources to combat visa fraud. Further, intelligence and law enforcement agencies have shared more information for consular officers' use in conducting name checks on visa applicants.

Additional issues require attention. For example, State has not consistently updated the consular and visa chapters of the *Foreign Affairs Manual* to reflect recent policy changes. Consular officers we interviewed also said that guidance is needed on DHS staff's roles and responsibilities overseas. Actions are also needed to ensure that State has sufficient, experienced staff with the necessary language skills at key consular posts. In particular, staffing shortages at the supervisory level place a burden on new officers. In February 2005, we found that the visa sections in critical posts in Saudi Arabia and Egypt were staffed with first-tour officers, and no permanent, midlevel visa chiefs to provide guidance. Further improvements in training and fraud prevention are also needed, and additional information from FBI criminal history files would allow consular officers to help facilitate efficient visa adjudication.

Improvements and Remaining Challenges to the Visa Process

Issue	Improvements	Issues Requiring Attention
Policy	Clarified policies and issued new guidance on national security concerns	Additional guidance needed on DHS and State interagency protocols
Resources		Update the Foreign Affairs Manual
Staffing	Increased consular recruitment and hiring	Shortages of mid-level and language proficient officers and unreliable data on wait times for applicant interview
Training	Revamped and expanded consular training with an emphasis on counterterrorism	Courses needed on terrorism travel trends, fraud prevention, and post-specific counterterrorism techniques
Fraud Prevention	Increased fraud awareness and resources for consular officers	Identifying high fraud posts using standard criteria
Information Sharing	Increased information available from intelligence and law enforcement agencies	Consular officers need additional information from FBI criminal history files to adjudicate visas more efficiently

Source: GAO

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September 13, 2005

Congressional Committees:

All 19 of the September 11, 2001, terrorist hijackers were issued a nonimmigrant visa,¹ which is a U.S. travel document that foreign citizens must generally obtain before entering the country temporarily for business, tourism, or other reasons.² In deciding to approve or deny a visa application, Department of State (State) consular officers are on the front line of defense in protecting the United States against potential terrorists and others whose entry would likely be harmful to U.S. national interests. Consular officers must balance this security responsibility against the need to facilitate legitimate travel. In October 2002, we identified shortcomings and made recommendations on State's policy on the role of national security in the visa process, procedures for addressing heightened border security concerns, staffing, and counterterrorism training of consular officers.³ Similarly, staff of the National Commission on Terrorist Attacks Upon the United States, or 9-11 Commission, reported that while there were efforts to enhance border security prior to September 11, no agency of the U.S. government at that time thought of the visa process as an antiterrorism tool.⁴ Indeed, the 9-11 Commission staff reported that consular officers were not trained to screen for terrorists.⁵

Given the widespread congressional interest in ensuring that visa operations are a tool to prevent those who might pose a threat from obtaining a visa, we reviewed the changes that State, the Department of Homeland Security (DHS), and other agencies have made

¹The United States also grants visas to people who intend to immigrate to the United States. In this report, we use the term "visa" to refer to nonimmigrant visas only.

²Most citizens of the 27 countries that participate in the Visa Waiver Program, Canada, and certain other locations are not required to obtain a visa for business or pleasure stays of short duration.

³GAO, *BORDER SECURITY: Visa Process Should Be Strengthened as an Antiterrorism Tool*, GAO-03-132NI (Washington, D.C.: Oct. 21, 2002).

⁴*9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States* (Washington, D.C.: August 21, 2004).

⁵The 19 September 11, 2001, hijackers received a total of 23 visas at five different posts from April 1997 through June 2001. See GAO-03-132NI.

since our 2002 report to address potential vulnerabilities in the visa process, and determined whether additional vulnerabilities remain. To assess agencies' progress in implementing changes to the visa process since 2002, we reviewed changes in visa policy and guidance; consular resources, including staffing and training; and the extent to which U.S. agencies share information with visa adjudicators. In addition, we conducted structured interviews with visa chiefs and other consular affairs staff from 25 posts overseas, either via telephone or in person, on issues related to visa policy and consular resources, among others. We observed visa operations and interviewed U.S. government officials at 8 U.S. consular posts in 7 countries—Egypt, Indonesia, Malaysia, Morocco, Spain, Saudi Arabia, and the United Kingdom. We chose these countries because they are of interest to antiterrorism efforts. In Washington, D.C., we interviewed officials from State, DHS, and the Federal Bureau of Investigation (FBI). We conducted our work from August 2004 through August 2005, in accordance with generally accepted government auditing standards (see appendix I for more information on our scope and methodology).

Results in Brief

Since our 2002 report, State, DHS, and other agencies have taken many steps to strengthen the visa process as an antiterrorism tool. Under the leadership of the Assistant Secretary of State for Consular Affairs, consular officers are receiving clear guidance on the importance of addressing national security concerns through the visa process. Our observations of consular sections at 8 posts confirmed that consular officers overseas regard security as their top priority, while also recognizing the importance of facilitating legitimate travel to the United States. In addition, State has established clear procedures on visa operations worldwide, as well as management controls to ensure that visas are adjudicated in a consistent manner at each post. State has also increased its hiring of consular officers; increased hiring of language proficient Foreign Service officers; revamped consular training with a focus on counterterrorism; strengthened fraud prevention efforts worldwide; and improved consular facilities. In

addition, consular officers now have access to more information from intelligence and law enforcement databases when conducting name checks on visa applicants.

Despite these improvements, additional actions can further enhance the visa process. For example, Consular Affairs has not consistently updated the consular and visa chapters of the *Foreign Affairs Manual*—State’s central resource for all regulations, policies, and guidance—to reflect recent changes. In addition, consular officers at several posts told us that it is difficult to identify points of contact at DHS’s overseas offices because DHS has not issued guidance on its staff’s roles and responsibilities overseas. Further, State has not conducted a worldwide, comprehensive assessment of staffing requirements for visa operations, as we recommended in 2002. We continue to see a need for such an assessment and believe that further actions are needed to ensure that State has sufficient staff with the necessary skills at key consular posts, especially in light of the increased workload per visa applicant due to additional border security requirements. In particular, as of April 2005, 26 percent of mid-, or supervisory level positions were either vacant or filled by entry-level officers, placing a large burden on these officers. During our February 2005 visits to posts in Riyadh and Jeddah, Saudi Arabia, and Cairo, Egypt, the visa sections were staffed with first-tour, entry-level officers, with no permanent, mid-level visa chiefs to provide guidance, support, and oversight. Such staffing shortages alongside the new procedural requirements may create extensive waits for visa interviews, though data gaps prevent a reliable assessment of these wait times worldwide. Further, despite the large responsibility placed on consular officers, particularly entry-level officers, we found that post-specific training was offered in only about half of the posts we reviewed, and that officers at these posts desired additional training—in such areas as terrorist travel trends, fraudulent documentation detection, and counterterrorism techniques. Moreover, we observed that information sharing at posts between the consular section and the law enforcement and intelligence communities was inconsistent. Lastly, additional information from FBI criminal history files would allow consular officers to help facilitate visa adjudication and the efficient and effective approval of visas for legitimate travelers to the United States.

We are making recommendations to the Secretaries of State and Homeland Security to, in consultation with appropriate agencies,

- clarify certain visa policies and procedures and facilitate their implementation;
- ensure that consular sections have the necessary tools to enhance national security and promote legitimate travel, including effective human resources and training;
- ensure that consular managers report, on a weekly basis, posts' wait times for applicant interviews; and
- further encourage interactions between consular sections, law enforcement officials, and intelligence officials at post to increase information sharing with consular officers on terrorism issues relevant to the visa process.

We also suggest that Congress consider requiring State and the FBI to develop and report to Congress on a plan to provide visa adjudicators with more efficient access to certain information in the FBI's criminal history records to help facilitate the approval of legitimate travelers. The plan should describe any potential technical or policy concerns regarding sharing this information with visa adjudicators, and how these concerns can be mitigated. The plan should also identify any legislative changes that may be necessary for its implementation.

Background

The 1952 Immigration and Nationality Act, as amended, is the primary body of law governing immigration and visa operations.⁶ The Homeland Security Act of 2002 generally grants DHS exclusive authority to issue regulations on, administer, and enforce the Immigration and Nationality Act and all other immigration and nationality laws relating to the functions of U.S. consular officers in connection with visa adjudication.⁷

⁶P.L. 82-414, 8 U.S.C. § 1101 et seq.

⁷State retains authority in certain circumstances as outlined in the act.

As we reported in July 2005, the act also authorizes DHS, among other things, to assign employees to any diplomatic and consular posts to review individual visa applications and provide expert advice and training to consular officers regarding specific security threats related to the visa process.⁸ A subsequent September 2003 Memorandum of Understanding between State and DHS further outlines visa issuance authorities. DHS is responsible for establishing visa policy, reviewing implementation of the policy, and providing additional direction. State manages the visa process, as well as the consular corps and its functions at 211 visa-issuing posts overseas. In addition, State provides guidance, in consultation with DHS, to consular officers regarding visa policies and procedures.

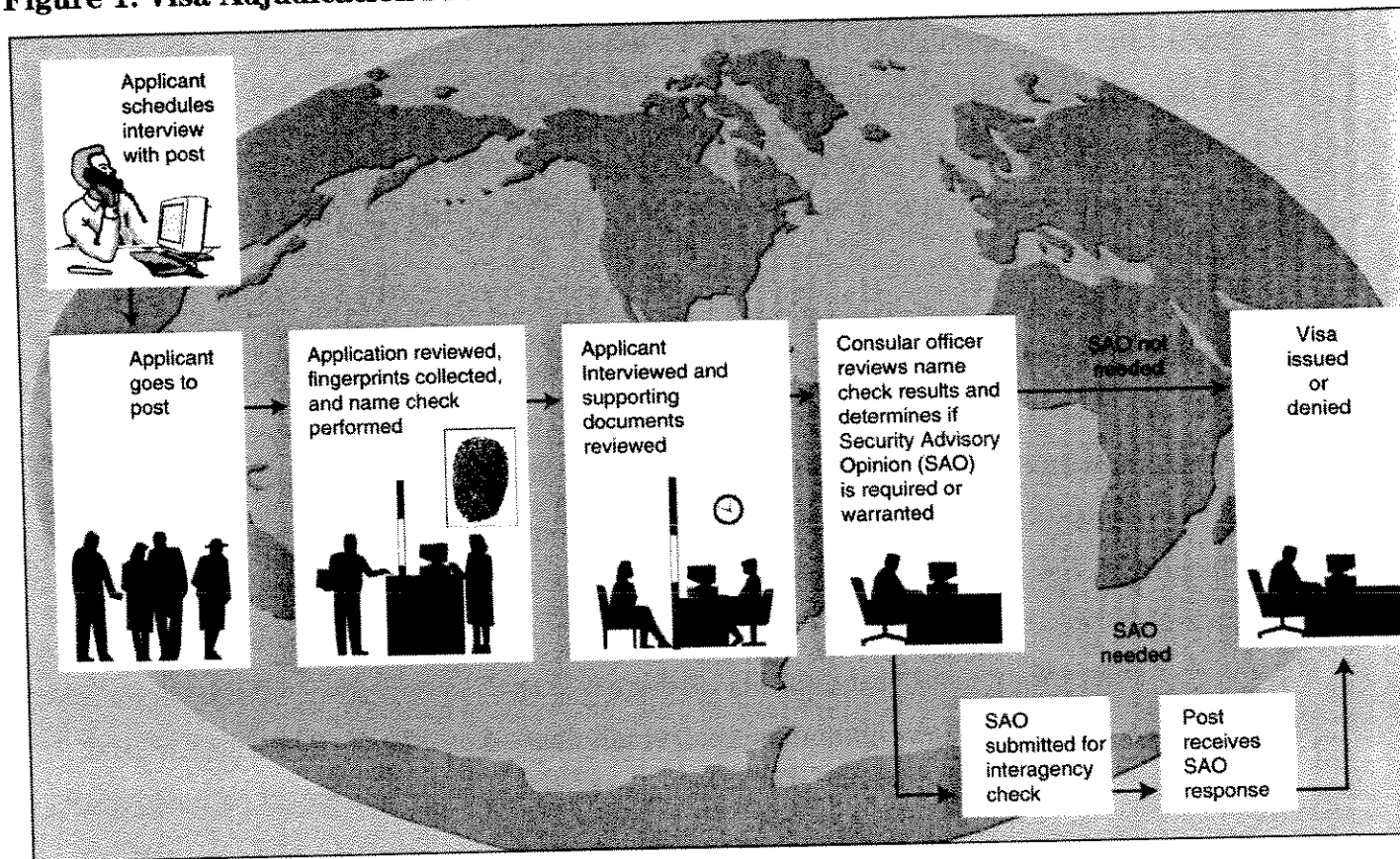
Several agencies stationed at U.S. embassies and consulates can assist consular officers and support the visa adjudication process. On a formal basis, all embassy sections and agencies involved in security, law enforcement, and intelligence activities are expected to participate in the congressionally mandated “Visas Viper” terrorist reporting program. This program is primarily administered through a Visas Viper Committee at each overseas post, and chaired by the Deputy Chief of Mission or the post’s principal officer. The committees meet at least monthly to share information on known or suspected terrorists and determine whether such information should be sent to Washington, D.C., for potential inclusion on watch lists. Interagency information sharing at post can also occur on an informal basis. For example, overseas FBI officials can assist consular officers when questions about an applicant’s potential criminal history arise during adjudication. Additionally, DHS’s U.S. Citizenship and Immigration Services, Customs and Border Protection, and Immigration and Customs Enforcement have responsibility for some immigration and border security programs overseas and consular officers may seek advice from these officials on issues such as DHS procedures at U.S. ports of entry.

The process for determining who will be issued or refused a visa contains several steps,

⁸The act also requires that DHS personnel assigned to consular posts in Saudi Arabia review all visa applications prior to adjudication by consular officers. See GAO, *Border Security: Actions Needed to Strengthen Management of Department of Homeland Security’s Visa Security Program*, GAO-05-801 (Washington, D.C.: July 29, 2005).

including documentation reviews, in-person interviews, collection of biometrics⁹ (fingerprints), and cross-referencing an applicant's name against the Consular Lookout and Support System (CLASS)¹⁰ (see fig. 1).

Figure 1: Visa Adjudication Process at a U.S. Embassy



In 2002, we recommended actions to strengthen the visa process as an antiterrorism tool, including

- establishing a clear policy on the priority attached to addressing national security concerns through the visa process;

⁹Biometrics is a wide range of technologies that can be used to verify a person's identity by measuring and analyzing his or her physiological characteristics. In this case, and for the purposes of this report, "biometric identifiers" refers to fingerprints. See GAO, *Technology Assessment: Using Biometrics for Border Security*, GAO-03-174 (Washington, D.C.: Nov. 14, 2002).

¹⁰CLASS is a State Department name check database that posts use to access critical information for visa adjudication. The system contains records provided by numerous agencies and includes information on persons with visa refusals, immigration violations, and terrorism concerns.

- creating more comprehensive, risk-based guidelines and standards on how consular officers should use the visa process as a screen against potential terrorists;
- performing a fundamental reassessment of staffing and language skill requirements for visa operations; and
- revamping and expanding consular training courses to place more emphasis on detecting potential terrorists.

Visa Process Strengthened, and Further Actions Would Support Ongoing Improvements

Since our 2002 report, State, DHS, and other agencies have taken numerous steps to strengthen the visa process as an antiterrorism tool and increase its overall efficiency and effectiveness. In particular, the Assistant Secretary in the Bureau of Consular Affairs has taken a leadership role in implementing changes to the visa process and promoting the use of the visa process as a screen against potential terrorists. However, additional actions could enhance the visa process. State has increased and clarified visa policies and guidance, but additional steps are needed to ensure these changes are implemented. Additionally, State has increased resources to strengthen the visa process, including hiring additional consular officers, targeting recruitment, and expanding training efforts; however, staffing limitations remain a concern, posts seek further training, and other gaps remain. Lastly, while interagency information-sharing efforts have increased, consular officers do not have direct access to detailed information from the FBI's criminal records, which would help facilitate the approval of legitimate travelers. Figure 2 summarizes the steps taken to improve the visa process since 2002 and areas that require additional management attention.

Figure 2: Improvements and Remaining Challenges to the Visa Process

Issue	Improvements	Issues that require attention
Policy		
	<ul style="list-style-type: none"> • Consular Affairs Bureau taken a leadership role in stressing national security concerns in the visa process • Established more than 80 standard operating procedures for consular officers • Emphasized consular management and internal controls through Consular Management Assistance Teams 	<ul style="list-style-type: none"> • More guidance needed on <ul style="list-style-type: none"> • Roles and responsibilities of consular officers in relation to DHS • Outdated portions of the <i>Foreign Affairs Manual</i> online
Resources		
Staffing	<ul style="list-style-type: none"> • Improved consular staffing • Hired additional officers • Increased consular recruitment of proficient foreign language speakers 	<ul style="list-style-type: none"> • Shortage of mid-level consular officers • Entry-level officers serving in midlevel positions • Data on wait times for interviews not sufficiently reliable
Training	<ul style="list-style-type: none"> • Revamped and expanded consular training with an emphasis on counterterrorism 	<ul style="list-style-type: none"> • Additional courses needed <ul style="list-style-type: none"> • terrorist travel trends • fraudulent documentation detection • counterterrorism techniques specific to post • Information sharing for consular officers at post inconsistent
Fraud Prevention	<ul style="list-style-type: none"> • Added fraud prevention tools, such as Internet anti-fraud chat room • Assigned fraud investigators at 25 consular posts 	<ul style="list-style-type: none"> • No criteria to identify high fraud posts
Facilities	<ul style="list-style-type: none"> • Improved consular facilities and workspaces 	<ul style="list-style-type: none"> • Requirements at some posts will not be filled until new embassies or consulates are built
Interagency Information Sharing		
	<ul style="list-style-type: none"> • Obtained additional records from law enforcement and intelligence sources in consular name check database 	<ul style="list-style-type: none"> • Consular officers need additional information from FBI criminal history files to adjudicate visas more efficiently and effectively

Source: GAO.

Visa Policies, Procedures, and Guidance Enhanced, but Additional Steps Needed to Ensure They Are Implemented

We reported in October 2002 that consular officers held differing views on balancing the need for national security and customer service in the visa process. In addition, State

had not issued comprehensive policy guidance to posts regarding how consular officers should react to the heightened border security concerns following the September 11 attacks. Since our report, State implemented several changes to address these issues, and consular officials stated that the report and its recommendations provided a framework for these changes. For example, in February 2003, Consular Affairs issued guidance identifying national security as the first priority of the visa process. Consular officers we interviewed said the guidance was generally clear, and officers at all 8 posts we visited viewed security as the most critical element of the visa process. In addition, Consular Affairs identified certain areas where additional guidance was needed to streamline visa procedures. As of June 2005, State had issued more than 80 standard operating procedures, in consultation with DHS, to inform consular officers on issues such as:

- citizens of countries requiring special clearance requirements and other name check procedures;¹¹
- fingerprint requirements; and
- annotating visas with current and historical information about a visa applicant to assist immigration inspectors at ports of entry.

To reinforce standard operating procedures and internal controls, State created Consular Management Assistance Teams that conduct management reviews of consular sections worldwide. These teams are comprised of Consular Affairs officials, diplomatic security officials, and DHS, and they report directly to the Assistant Secretary for Consular Affairs. According to State, as of June 2005, the teams had completed 81 field visits and have provided guidance to posts on standard operating procedures, as well as other areas where consular services could become more efficient. In addition, State has regional consular officer positions overseas, through which 5 experienced officers serve as regional officers to 56 posts in Europe, Near East, and Africa. These officers provide

¹¹Section 306 of the Enhanced Border Security and Visa Entry Reform Act of 2002 restricts the issuance of visas to aliens who are nationals of countries that are state sponsors of international terrorism unless the Secretary of State determines the alien does not pose a safety or security threat. To date, citizens from Cuba, Iran, Libya, North Korea, Sudan, and Syria must, under this provision, undergo security clearances from agencies in Washington, D.C., prior to adjudication by a consular officer.

support and guidance to less-experienced officers in small consular sections at neighboring posts where, in many instances, there are no other officers at post with recent consular experience.

Despite these improvements, some consular officers we interviewed stated that it has been difficult to synthesize and consistently apply all of the changes to the visa process. The guidance provided to consular officers in the field is voluminous and can change rapidly, according to consular officials. The Consular Affairs Bureau may notify its officers overseas of policy changes through cables, postings on its internal website, and informal communications. However, the bureau has not consistently updated the consular and visa chapters of the *Foreign Affairs Manual*—State’s central, Internet resource for all regulations, policies, and guidance—to reflect these changes. Throughout 2005, the bureau has updated several portions of the *Manual*, but, as of June 2005, some sections had not been updated since October 2004, such as policies on consular duties, clearances at post, and the submission of visa applications to the FBI. Consular officials also stated that they are overhauling the standard operating procedures to eliminate those that are obsolete and incorporate current requirements into the *Manual*. While the Consular Affairs Bureau’s internal website holds all of the standard operating procedures, it also links to out-of-date sections in the *Manual*, which do not yet incorporate all updated procedures. As a result, there is no single, reliable source for current information. The visa chief at one post in Africa told us that while the additional guidance from Consular Affairs has been a positive step, consular officers should not have to go back to paper files to locate it. Some posts we visited had developed their own methods—such as creating standard operating procedure reference books and holding weekly staff meetings to discuss all new policies—to help ensure that all consular officers were applying the new procedures consistently and appropriately. The consular section in London, for example, created a post-specific Internet website to post guidance for consular officers. According to State officials, in August 2004, Consular Affairs developed a classified website to post additional guidance that is accessible to all consular officers, but only 48 percent of visa chiefs we interviewed reported having used the website.

Consular officers also indicated that additional guidance is needed on certain interagency protocols. Specifically, 15 out of 25 visa chiefs we interviewed reported that additional guidance would be helpful regarding the interaction between the Bureau of Consular Affairs and DHS. For example, DHS personnel stationed overseas work on a variety of immigration and border security activities and largely serve in a regional capacity. U.S. Citizenship and Immigration Service staff, for instance, have regional offices in Rome, Italy, and Bangkok, Thailand, and Mexico City, Mexico, that can assist consular officers in surrounding posts. However, DHS has not provided guidance to consular officers regarding the roles and geographic responsibilities for its personnel. In addition, consular officers at several posts told us that it is difficult to identify points of contact at DHS's overseas offices when questions arise on issues such as immigration violation records in CLASS. Further, consular officers at all posts we reviewed stated that they would like additional information on DHS procedures at the point of entry such as guidance on how to resolve cases in which visa holders have been denied entry to the United States. For example, detailed information on the reason why a visa holder was not allowed into the United States—the person was recently placed on a watch list, for example—is not automatically transferred to CLASS. A senior consular official stated that State and DHS are working to create a link between consular and border inspectors' databases that would allow the transfer of data, including transcripts of interviews at ports of entry.

Resources for Visa Function Increased, but Staffing Shortages and Other Gaps Remain a Concern

In 2002, we found that at some posts the demand for visas combined with increased workload per visa applicant exceeded the available staff. As a result, we recommended that State perform a fundamental reassessment of staffing requirements for visa operations. We continue to see the need for such an assessment. While State has been able to hire more entry-level officers in recent years, we found that more than one-quarter of State's mid-level consular positions were either vacant or filled by an entry-

level officer.¹² In addition, consular headquarters' officials may not have accurate statistics on wait times for visa interviews from which to allocate resources effectively, and visa applicants may be using inaccurate wait time information when planning their travel to the United States. State has also increased its targeted recruitment of foreign language proficient officers, but gaps remain. Further, State has expanded its training efforts, but additional training would further benefit consular officers. Moreover, State has strengthened its fraud prevention efforts, but has not developed systematic criteria to identify high fraud posts. Finally, State has increased funding to improve consular facilities, but many posts' facilities remain inadequate.

State Has Hired More Consular Officers, but Has Not Assessed Overall Resource Needs

Since 2002, State has received funding to address continued staffing shortfalls, but we continue to see the need for a fundamental reassessment of resource needs worldwide. Through the Diplomatic Readiness Initiative and other sources,¹³ State has added a total of 364 Foreign Service officer consular positions, from 1037 in fiscal year 2002 to 1401 in fiscal year 2005. Moreover, human resource officials anticipate that many officers hired under the Diplomatic Readiness Initiative will begin to reach promotion eligibility for mid-level positions within the next two years. However, as we have previously reported in 2003,¹⁴ the overall shortage of mid-level Foreign Service officers would remain until approximately 2013. As of April 30, 2005, we found that 26 percent of mid-level consular positions were either vacant or filled by an entry-level officer (see fig. 3). In addition, almost three-quarters of the vacant positions were at the FS-03 level—mid-level officers

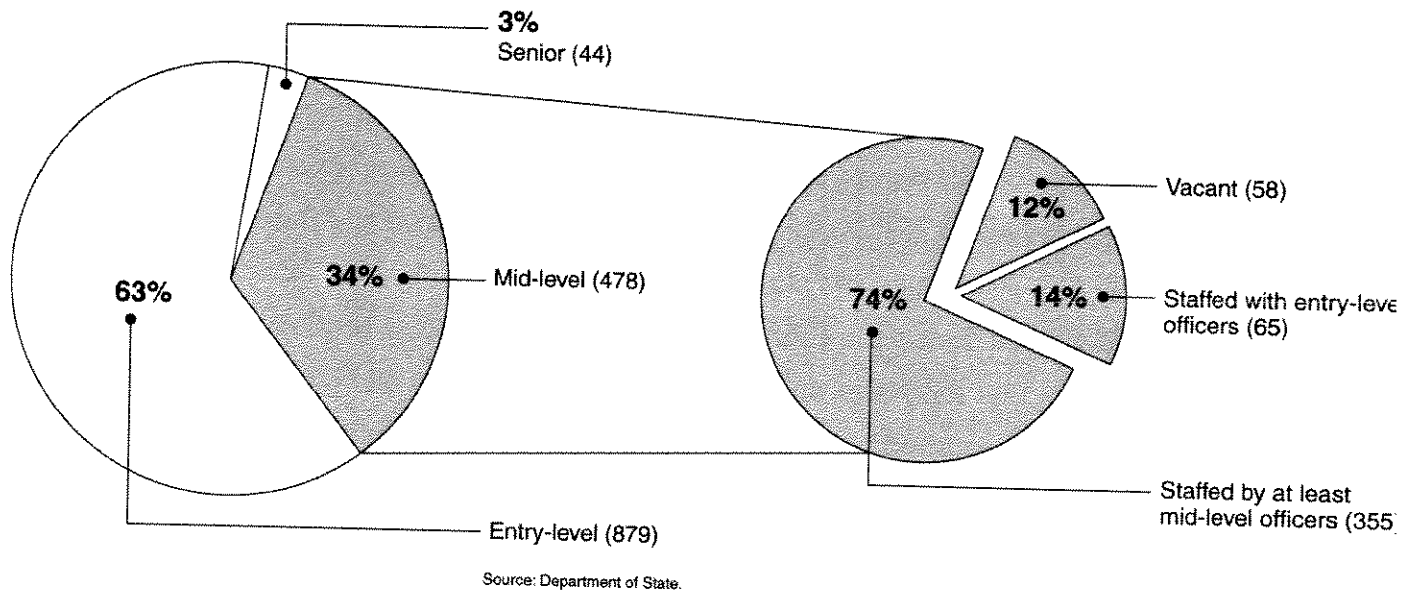
¹²Foreign Service officers are assigned a grade, which ranges from FS-06 to FS-01, corresponding to entry-level to mid-level, respectively. According to State, officers at grades 6 through 4 are classified as junior officers; 3 through 1 are midlevel officers. In addition, members of the senior Foreign Service are senior officers. In this report, we refer to them as entry-level, mid-level, and senior-level officers.

¹³In fiscal year 2002, State launched the Diplomatic Readiness Initiative—a three-year effort to ensure global diplomatic readiness, through which State reported that it hired 834 Foreign Service officers more than attrition rates. In addition, the Intelligence Reform and Terrorism Prevention Act of 2004 authorized the hiring of an additional 150 consular officers per year for fiscal years 2006 through 2009. See P.L. 108-458 § 7203.

¹⁴GAO, *State Department: Targets for Hiring, Filling Vacancies Overseas Being Met, but Gaps Remain in Hard-to-Learn Languages*, GAO-04-139 (Washington, D.C.: Nov. 19, 2003).

who generally supervise entry-level staff—which consular officials attribute to low hiring levels prior to the Diplomatic Readiness Initiative and the necessary expansion of entry-level positions to accommodate increasing workload requirements after September 11, 2001.

Figure 3: Authorized Foreign Service Officer Consular Positions and Distribution of Staff by Grade, as of April 30, 2005



Note: Vacancy figures may not reflect recent promotions of officers to a higher grade who were still serving in lower-grade positions as of April 30, 2005.

During our February 2005 visits to Riyadh, Jeddah, and Cairo, we observed that the consular sections were staffed with entry-level officers on their first assignment with no permanent, mid-level visa chief to provide supervision and guidance. Although these posts had other mid- or senior-level consular officers, their availability on visa issues was limited because of their additional responsibilities. For example, the head of the visa section in Jeddah was responsible for managing the entire section, as well as services for American citizens due to a mid-level vacancy in that position. At the time of our visit, Embassy Riyadh did not have a mid-level visa chief. Similarly, in Cairo, there was no permanent mid-level supervisor between winter 2004 and summer 2005, and Consular Affairs used 5 temporary staff on a rotating basis during this period to serve in this

capacity. Entry-level officers that we spoke with stated that due to the constant turnover, the temporary supervisors were unable to assist them adequately. At the U.S. consulate in Jeddah, entry-level officers expressed concern about the lack of a mid-level supervisor. Officers in Jeddah stated that they relied on the guidance they received from the DHS visa security officer assigned to the post. However, as of July 2005, visa security officers are only stationed at consular posts in Saudi Arabia—not at any of the other 209 visa-issuing posts overseas.

If the Consular Affairs Bureau identifies a need for additional staff in headquarters or overseas, it may request that the Human Resources Bureau establish new positions. In addition, posts can also describe their needs for additional positions through their consular packages—a report submitted annually to the Consular Affairs Bureau that details workload statistics and staffing requirements, among other things. For example, in December 2004 during the course of our work, the consular section in Riyadh reported to Washington that there was an immediate need to create a mid-level visa chief position at post, and State worked with human resource officials to create this position, which according to State officials, will be filled by summer 2005.

However, the current assignment process does not guarantee that all authorized positions will be filled, particularly at hardship posts. Historically, State has rarely directed its employees to serve in locations for which they have not bid on a position, including hardship posts or locations of strategic importance to the United States, due to concerns that such staff may be more apt to have poor morale or be less productive.¹⁵ Due to State's decision to not force assignments, along with the limited

¹⁵State defines hardship posts as those locations where the U.S. government provides differential pay incentives—an additional 5 to 25 percent of base salary depending on the severity or difficulty of the conditions—to encourage employees to bid on assignments to these posts and to compensate them for the hardships they encounter. According to State officials and Foreign Service employees, the incentive provided by hardship pay for overseas service has been diminished because Foreign Service employees serving overseas do not receive locality pay, or a salary comparability benefit to attract workers in the continental United States to the federal government versus the private sector. See GAO, *State Department: Staffing Shortfalls and Ineffective Assignment System Compromise Diplomatic Readiness at Hardship Posts*, GAO-02-626 (Washington, D.C.: June 18, 2002).

amount of mid-level officers available to apply for them,¹⁶ important positions may remain vacant.

According to a deputy assistant secretary for human resources, Consular Affairs can prioritize those positions that require immediate staffing to ensure that officers are assigned to fill critical staffing gaps. For example, Consular Affairs could choose not to advertise certain positions of lesser priority during an annual assignment cycle. However, senior Consular Affairs officials acknowledged that they rarely do this. According to these officials, Consular Affairs does not have direct control over the filling of all consular positions and can often face resistance from regional bureaus and chiefs of mission overseas who do not want vacancies at their posts. Thus, as we have previously reported, certain high priority positions may not be filled if Foreign Service officers do not bid on them.

Increased Consular Workload Exacerbates Staffing Shortages

Additions to consular workload since the September 11 attacks have exacerbated State's resource constraints. Both Congress and State have initiated a series of changes since our 2002 report to increase the security of border security policies and procedures, which have added to the complexity of consular officers' workload. For example,

- consular officers are no longer able to routinely waive interviews; as of August 2003, waivers for visa applicant interviews are limited to a few categories, such as the elderly, diplomats, and young children;
- as of October 2004, consular officers are required to scan foreign nationals' right and left index fingers and clear the fingerprints through the DHS Automated Biometric Identification System before an applicant can receive a visa;¹⁷ and

¹⁶The assignment process begins when Foreign Service employees who are eligible to be transferred from their current assignment each year receive a list of instructions and upcoming vacancies for which they may compete. Staff then must submit a list of those positions for which they want to be considered.

¹⁷The Automated Biometric Identification System is a DHS database that includes some 5 million people who may be ineligible to receive a visa. For example, the Automated Biometric Identification System data includes, among other records, FBI information on all known and suspected terrorists, selected wanted persons, and previous criminal histories for high risk countries. See GAO, *Border Security: State Department Rollout of Biometric Visas on Schedule, but Guidance is Lagging*, GAO-04-1001 (Washington, D.C.: Sept 9, 2004).

- some responsibilities previously delegated to Foreign Service nationals¹⁸ and consular associates¹⁹ have been transferred to consular officers. For example, as of September 30, 2005, consular associates will no longer be authorized to adjudicate visas.

Due to the new interview requirements and screening procedures, as well as potential staffing shortages, applicants may face extensive wait times for visa interviews at some consular posts overseas. According to consular officials, in general, State considers that posts with consistent wait times for visa interview appointments of 30 days or longer may signal a resource or management problem. However, reliable data that could determine the extent to which posts face long delays is not available. To monitor posts' progress in achieving this goal, according to consular headquarters officials, State requires that posts report, on a weekly basis, the wait times for applicant interviews to allow officials to monitor posts' workload. State's data showed that between November 2004 and May 2005, 63 posts reported wait times of 30 or more days in at least one month; at 13 posts, the wait times were in excess of 30 days for the entire six-month period. As of July 2004, these data are posted on State's website so that applicants will have the information when applying for a visa. However, posts are often late to report these data, according to consular officials. Indeed, our analysis of State's data on wait times revealed significant numbers of posts that did not report on a weekly basis during this six-month period. Therefore, the data are not sufficiently reliable to fully determine how many posts have wait times in excess of 30 days. Consular headquarters' officials may not have accurate workload statistics from which to allocate resources effectively, and visa applicants may be using inaccurate wait time information when planning their travel to the United States. For example, there could be additional posts with 30-day or more wait times that have not reported these data to Consular Affairs.

¹⁸Foreign Service national employees are non U.S. citizens, employed at a U.S. Foreign Service post by a U.S. government agency.

¹⁹Consular Associates are U.S. citizens and relatives of U.S. government direct-hire employees overseas who, following successful completion of the required Basic Consular Course, are hired by the Consular Section at their post. Beginning in fiscal year 2002, State began a three-year transition to remove adjudication functions from consular associates and provide additional consular officers.

Targeted Recruitment Has Increased Number of Foreign Language Proficient Officers, but Gaps Remain

In our 2002 report, we found that not all consular officers were proficient enough in their post's language to hold interviews with applicants. In 2003, we reported that State had not filled all of its positions requiring foreign language skills.²⁰ We noted that a lack of staff with foreign language skills had weakened the fight against international terrorism and resulted in less effective representation of U.S. interests overseas. In addition, we reported that some entry-level officers did not meet the minimum language proficiency requirements of the positions in countries of strategic importance to the United States. In response, State has created programs to better target its recruitment of Foreign Service officers who speak critical languages. For example, in March 2004, State created the "Critical Needs Language Program," which increases the opportunities for appointment to the Foreign Service for new hires proficient in Arabic, Chinese, Russian, Turkic, Indic, or Korean, and who have passed the Foreign Service Exam.²¹ From March 2004 through May 2005, 172 of the 564 Foreign Service officers hired were proficient in one of these languages.

Despite these improvements, language gaps still exist. As of April 30, 2005, State reported that about 14 percent of consular-coned²² Foreign Service officers in language designated positions did not meet language requirements for their assigned position. Our interviews with visa chiefs at 25 posts identified 8 posts with at least 1 consular officer who did not meet the designated language proficiency requirements for their position.

²⁰Most of State's positions that require general proficiency in speaking and reading abilities are categorized as "language-designated" positions. In addition, State has some positions categorized as "language-preferred," where State considers language proficiency useful but not essential. See GAO-02-626.

²¹After a candidate passes both the written and oral exams, he or she is placed on a register of eligible hires and will remain there for up to 18 months or until being placed in an initial training class, according to State officials. During training, entry-level officers are required to bid on a list of available jobs from which State's Entry-Level Division will assign them to an overseas post. The officers receive language and job-specific training after they receive their assignments. See GAO, *State Department: Targets for Hiring, Filling Vacancies Overseas Being Met, but Gaps Remain in Hard-to-Learn Languages*, GAO-04-139 (Washington, D.C.: Nov. 19, 2003).

²²State requires that a generalist applicant to the Foreign Service select a "cone," which is a functional area of specialization, when applying to take the written examination. The Foreign Service generalist specializations are management, consular, economic, political, and public diplomacy.

To increase the proficiency of Foreign Service officers, State supports post-specific language programs, among others. According to language training officials, the department allocated \$1.2 million in fiscal year 2004 for these programs that teach a new language or enhance the language of the participant. Twenty-three of the 25 posts we contacted offer a language training program at post. State has also developed training modules for specific languages that include technical vocabulary that might be beneficial to consular officers.

Consular Training Expanded, and Additional Courses and Information Sharing Would Further Benefit Consular Officers

In 2002, we reported that training for new consular officers was focused on detecting intending immigrants through the visa process, with little training given on detecting possible terrorists. For example, we found that consular officers wanted more training in how to interview applicants more effectively for the purposes of detecting possible terrorists. Since our report, State has revamped and expanded consular training at the Foreign Service Institute²³ to enhance visa security. Table 2 outlines additions to consular training.

²³The Foreign Service Institute is the federal government's primary training institution for officers and support personnel of the U.S. foreign affairs community, preparing American diplomats and other professionals to advance U.S. foreign affairs interests overseas and in Washington.

Table 1: Improvements in Consular Training Since 2002

Course	Basic Consular Course	Fraud Prevention Manager's Course	Advanced Name-checking
Date of Improvement	October 2003	April 2005	March 2002
Type of improvement	Course enhancement	Course enhancement	New course
Improvements	<ul style="list-style-type: none">• Increased length of course from 26 days to 31 days• Added classes in analytical interviewing and fraud prevention• Counterterrorism training at CIA• Briefings by 9/11 Commission staff	<ul style="list-style-type: none">• Expanded course offerings from 2 to 10 times a year• Participation by DHS in training of fraud prevention managers• Training at DHS's Forensic Document Laboratory	<ul style="list-style-type: none">• Includes 1 day of training in analytical interviewing• Identifies name structures and variations, helping consular officers spot anomalies• Explains how Consular Affairs name-check systems search for, identify, evaluate, rank-order, and return matches

Source: GAO.

Training efforts have been bolstered by contributions from law enforcement and intelligence agencies and DHS, as well as by improved information sharing. For example, as part of the basic consular training course, consular officers receive a counterterrorism briefing by the Central Intelligence Agency. Additionally, the Homeland Security Act of 2002 granted DHS the authority to develop homeland security training programs for consular officers, and the subsequent Memorandum of Understanding between State and DHS outlined DHS's participation in this training. Since 2003, DHS has contributed to several aspects of the consular training program. For example,

- for the basic consular course, DHS funds a presentation to consular officers by former 9/11 Commission staffers;
- officials from the U.S. Citizenship and Immigration Services provide training at State's fraud prevention managers' course; and
- DHS officials have accompanied consular officials at regional leadership conferences for consular managers overseas.

In July 2003, State issued guidance to chiefs of mission regarding consular training at posts, and encouraged the regular exchange of information between consular sections

and relevant agencies on fraud and law enforcement issues, as well as security trends that may impact consular work. However, additional training could further assist consular officers. For example, despite guidance from the Consular Affairs Bureau, 12 of the 25 visa chiefs we interviewed reported that the embassy did not offer post-specific training. In addition, all of the posts we contacted reported that additional training on terrorist travel trends would be helpful, with 16 posts responding that such training would be extremely helpful. For example, the visa chief at a consular post in the Middle East said that an in-depth class that trains officers to better identify high-risk applicants based on specific intelligence information would be helpful. Consular officials in Washington acknowledged that this type of training would be useful, but noted that it requires support from chiefs of mission and other agency officials overseas. Some posts also reported that additional briefings on counterterrorism techniques specific to post and fraud prevention would be helpful. State is currently developing distance-learning courses in the areas of fraud prevention and disruption of terrorist mobility, which, once implemented, will be available to consular officers worldwide. Given that some terrorists make use of fraudulent documents, training in these subjects is useful for helping consular officers detect terrorists and criminals applying for visas.

Inconsistent Information Sharing at Posts

Although Consular Affairs has advised chiefs of mission to encourage interagency information sharing, we found that information sharing at posts between the consular section and the law enforcement and intelligence communities varied. While we found that some posts had frequent communications, others had little or no communication. For example, at one post, we noted frequent communication and proactive information sharing between the consular section, law enforcement, and intelligence communities. Consular officials told us that this cooperation strengthened the visa process at this post. During our visit to another post, the consular section requested regular counterterrorism briefings from intelligence officials, who conducted the first such formal briefing in March 2005 following our visit. The Consul General stated that these briefings will become a standard practice at the post. At another post we reviewed, however, consular

officials stated that they were concerned about the lack of communication between their section and law enforcement and intelligence officials, despite repeated inquiries for guidance in areas such as watch list records in CLASS.

State Strengthened Fraud Prevention Programs, but Efforts to Establish Systematic Criteria to Identify High Visa Fraud Posts Have Not Been Completed

As the 9-11 Commission staff highlighted, the September 11 terrorists were able to obtain U.S. visas through fraudulent means. For example, according to the 9-11 Commission staff report on terrorist travel, two hijackers used passports that had been manipulated in a fraudulent manner to obtain visas to the United States. State has taken several steps to increase its focus on preventing and detecting fraud in the visa process. For example, by 2004, State's Bureau of Diplomatic Security had deployed 25 visa fraud investigators to U.S. embassies and consulates. In addition, State's Office of Fraud Prevention Programs has developed several ways for consular officers in the field to learn about fraud prevention, including:

- developing an Internet-based E-room, with more than 500 members, that serves as a discussion group for consular officers, as well as a place to post cables and lessons learned from prior fraud cases;
- publishing fraud prevention newsletters; and
- assigning liaison officers to work with consular sections worldwide on fraud prevention.

However, until recently, the department has not used a systematic process to identify consular posts with the highest degree of visa fraud. According to State officials, fraud rankings for consular posts have not been based on an objective analysis using standardized criteria, but have been self-reported by each post. Therefore, according to the Director of the Office of Fraud Prevention Programs, State's fraud rankings were not a quantifiable assessment of posts' actual fraud conditions. As a result, previous resources for fraud prevention may not have been allocated to posts with the highest need, including the 25 visa fraud investigators assigned overseas in 2004.

In response to the Intelligence Reform and Terrorist Prevention Act of 2004, State is now developing systematic criteria to identify high fraud posts. The act mandates that State identify the posts experiencing the greatest frequency of visa fraud and place in those posts at least one full-time anti-fraud specialist. The presence of full-time fraud officers at high fraud posts is particularly important given that entry-level officers may serve as fraud prevention managers²⁴ on a part-time basis, in addition to their other responsibilities. Moreover, of the 25 visa chiefs we interviewed, only 2 had full-time fraud prevention managers, and 10 reported that their fraud prevention managers had not yet received training specific to these duties. In June 2005, the Office of Fraud Prevention Programs was awaiting final approval of its reassessment of posts' fraud levels using weighted criteria such as:

- refusal rates for certain classes of visas;
- DHS data on visa holders who applied for permanent residence once in the United States on a temporary tourist or business visa; and,
- State's threat assessments for the post.

Consular Affairs is also developing a fraud prevention computer program that will allow State to quantify and analyze fraud workload data, according to the Fraud Prevention Programs director.

Increased Funding to Improve Consular Facilities, but Many Posts Remain Inadequate

State's Bureau of Overseas Buildings Operations is responsible for managing the department's property overseas, including the rehabilitation of existing facilities and the construction of new embassies and consulates. In March 2003, we reported that working conditions at many U.S. embassies and consulates were inferior and unsafe.²⁵ In particular, we found that the primary office building at more than half of the posts did not meet certain fire/life safety standards, and at least 96 posts had reported serious

²⁴Consular officers who serve as fraud prevention managers are in charge of investigating cases of fraud, conducting fraud training for the consular section, and providing information on fraud relevant to the consular section at post.

²⁵GAO, *Overseas Presence: Conditions of Overseas Diplomatic Facilities*, GAO-03-557T (Washington, D.C.: Mar. 20, 2003).

overcrowding. Despite increased funding to improve consular facilities, needs remain. Many of the new requirements in the visa adjudication process, such as the increased interview requirements and the collection of applicants' fingerprints, have strained consular facilities. Indeed, many visa chiefs we interviewed reported problems with their facilities. For example, 14 of 25 rated the consular workspace at their post as below average, and 40 percent reported that applicants' waiting rooms were below average. In addition, due to overcrowded waiting rooms at 4 of the 8 posts we visited, we observed visa applicants waiting for their interviews outside or in adjacent hallways. A senior consular official acknowledged that many consular facilities are located in run down buildings with insufficient adjudicating windows and waiting rooms. In fiscal year 2003, Congress directed the Overseas Building Operations Bureau to begin a 3-year Consular Workspace Improvement Initiative to improve the overall working environment for consular officers.²⁶ In fiscal years 2003 and 2004, State obligated a total of \$10.2 million on 79 workspace improvement projects at 68 posts. State officials currently plan to fund up to \$18.1 million for fiscal year 2005. Improvement projects ranged from adding more interview windows to increase visa processing in Seoul, South Korea, to a complete consular section reconfiguration in London, United Kingdom. However, according to a senior consular official, these funds are being used to provide temporary solutions at posts that may require a new embassy, as part of State's multibillion dollar embassy construction program.

Number of Intelligence and Law Enforcement Records in CLASS Increased, but Additional Information Would Help Facilitate Legitimate Travel

The September 11 attacks highlighted the need for comprehensive information sharing.²⁷ In January 2005, GAO identified effective information sharing to secure the homeland as a high-risk area of the U.S. government because the federal government still faces

²⁶See House Conference Report 108-10, attached to P.L. 108-7, Consolidated Appropriations Resolution 2003.

²⁷See the Intelligence Reform and Terrorist Prevention Act of 2004 (P.L. 108-458) which requires that the Director of the National Counterterrorism Center report to Congress on a strategy to combine terrorist travel intelligence, operations, and law enforcement into a cohesive effort. This strategy may address, among other things, granting consular officers and immigration adjudicators, as appropriate, the security clearances necessary to access law enforcement sensitive and intelligence databases.

formidable challenges sharing information among stakeholders in an appropriate and timely manner to minimize risk.²⁸ With cooperation from other federal agencies, State has increased the amount of information available to consular officers in CLASS. Name check records from the intelligence community have increased five-fold from 48,000 in September 2001 to approximately 260,000 in June 2005, according to consular officials. Moreover, consular officials told us that, as of fall 2004, CLASS contained approximately 8 million records from the FBI. In addition, State has developed more efficient methods of acquiring certain data from law enforcement databases. For example, State established a direct computer link with the FBI's National Crime Information Center (NCIC), to enable the FBI to send certain information to CLASS on a daily basis.

While the additional records in CLASS have helped consular officers detect those who might seek to harm the United States, many consular officers we interviewed stated that the increased volume of records and lack of access to other detailed information can lead to visa processing delays for applicants. In particular, consular officers do not have direct access to detailed information in the criminal history records. Section 403 of the USA PATRIOT Act of 2001²⁹ directs the Attorney General and the FBI to provide State with access to certain files for the purpose of determining whether or not a visa applicant has a criminal history record indexed in these files.³⁰ The USA PATRIOT Act also states that access to an extract does not entitle consular officers to obtain the full contents of the corresponding records. Rather, for access to the full criminal history record, consular officers must submit the applicant's fingerprints to the FBI.³¹ In

²⁸GAO, *High-Risk Series: An Update*, GAO-05-207 (Washington, D.C.: Jan. 2005).

²⁹P.L. 107-56.

³⁰The files include the National Crime Information Center's Interstate Identification Index (NCIC-III) of criminal history records, Wanted Persons Files, and any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving access.

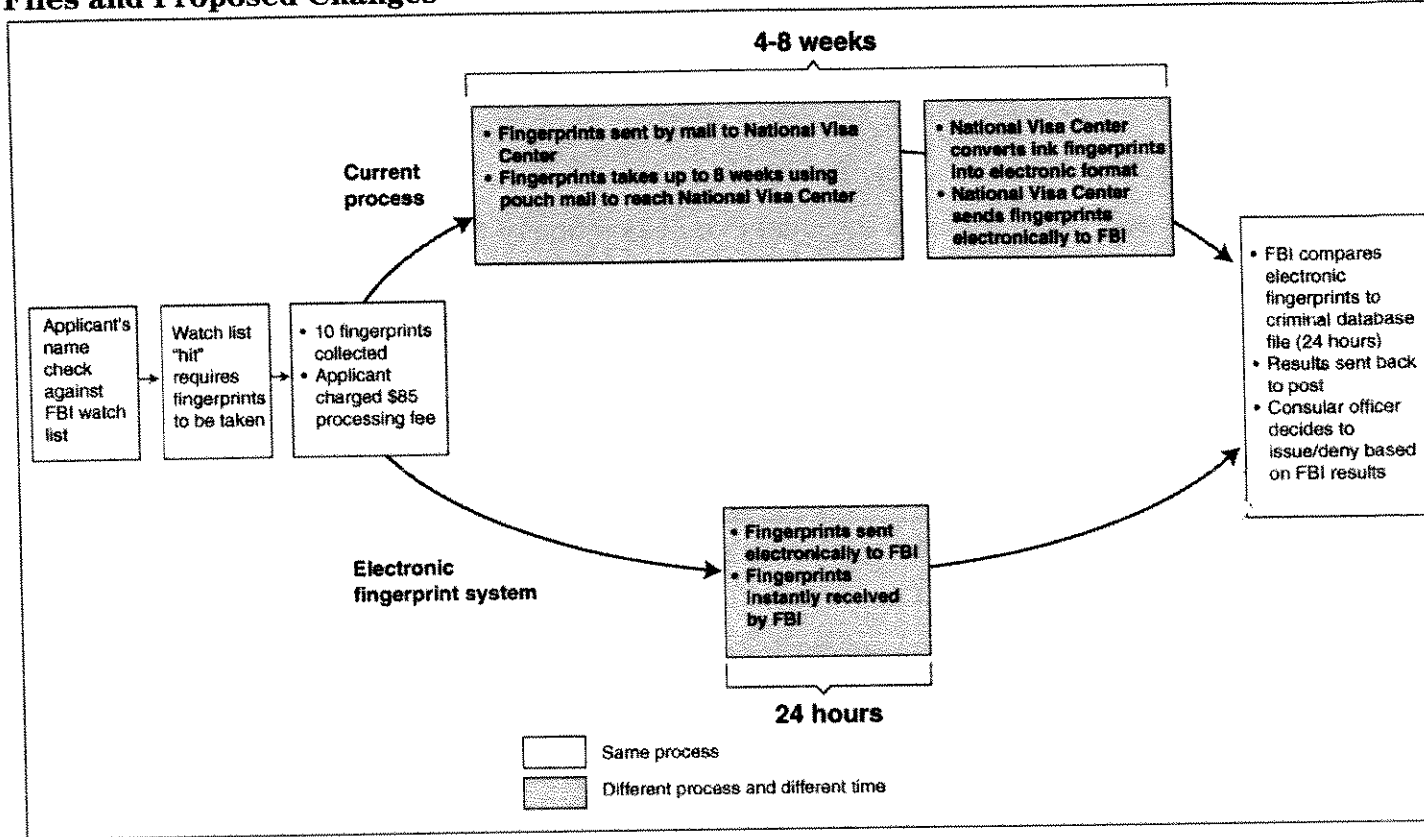
³¹This requirement is also consistent with the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14611 et seq.) (or, Compact Act), which organizes an electronic information sharing system among the federal government and states to exchange criminal history records, such as those contained in NCIC-III, for noncriminal justice purposes. The Compact Act requires that consular officers, as noncriminal justice personnel, first submit the visa applicant's fingerprints, or other approved form of identification, for positive identification before the record can be released.

accordance with this mandate, the FBI provides to CLASS extracts from NCIC that contain some biographical information, such as the date of birth and height of the person with the criminal record. However, when conducting a CLASS name check, consular officers may not be able to determine whether or not an FBI file matches an applicant because the extracts lack sufficient biographical information. Moreover, the extracts do not contain details such as the charge or disposition of the case, which are necessary to determine if the applicant might be ineligible for a visa.³² For example, the information in CLASS does not distinguish between a conviction for a crime such as kidnapping or drug possession, or an acquittal on charges of driving while intoxicated.

Consular officers, therefore, must fingerprint applicants who have a potential match in NCIC for positive identification to FBI records to then ascertain whether the information contained in the criminal record would make the applicant ineligible for a visa. In fiscal year 2004, of the more than 40,000 fingerprints consular officers sent to the FBI for verification, about 29 percent were positive matches between the applicant and a criminal record in the NCIC. State officials we spoke with estimated that of those applicants who were positively identified, only about 10 percent were denied a visa based on the information provided by FBI. Moreover, fingerprinted applicants are charged an additional \$85 processing fee and, as of spring 2005, must wait an estimated 4 to 8 weeks for a response from Washington before adjudication can proceed. According to FBI and State officials, the processing delays are due to inefficiencies in the way the prints are sent to the FBI for clearance (see fig. 4).

³²To render an alien ineligible under INA 212(a)(2)(A)(i)(I), the conviction must be for a statutory offense that involves moral turpitude, which include kidnapping, murder, and prostitution, but does not include crimes such as drunk or reckless driving and gambling violations, according to the *Foreign Affairs Manual*.

Figure 4: Fingerprint Requirements for Access to Detailed Information in FBI Files and Proposed Changes



Source: GAO.

To facilitate more efficient fingerprint processing, State and FBI are implementing an electronic fingerprint system whereby consular officers will scan the applicants' fingerprints at post directly into the FBI's database. FBI and State officials told us that posts would be notified if the record in question matched the applicant within 24 hours. However, thousands of visa applicants could still face wait times and additional fingerprinting fees that they would otherwise not have incurred because consular officers do not have enough information at the time of the interview to exclude records in CLASS. In addition, consular officials stated that giving consular officers increased access to criminal history files could enhance national security because consular officers would be able to immediately notify post law enforcement and intelligence officials of a possible match to a serious criminal—such as someone with an outstanding warrant for murder, kidnapping, or drug trafficking—to initiate, while the applicant was still physically present, further investigation or contact with host country law enforcement.

There are several options that FBI and State have discussed to help ensure that consular officers can facilitate legitimate travel; however, each would require legislative changes and the agencies would need to weigh the associated trade-offs inherent in each option. For example:

- consular officials told us that access to additional information in a criminal history file, such as the charge and disposition of a case, would allow their officers to determine which crimes are serious enough to require a positive fingerprint match prior to adjudication. However, FBI officials noted that there may be some technical limitations on extracting specific pieces of data from the criminal history records; or,
- to avoid some of the technical limitations associated within the NCIC database, FBI officials stated that it would be easier to provide the full criminal history records to consular officers for the purpose of visa adjudication. However, these officials told us that assurances would need to be in place to prevent misuse of the information given its sensitive nature. Indeed, State and FBI have already negotiated an MOU aimed at protecting the information passed from NCIC to CLASS. However, consular officials indicated that their officers may need access only to the criminal charge and disposition of the case, and not the full criminal file, to adjudicate a visa case more efficiently.

Conclusions

The visa process presents a balance between facilitating legitimate travel and identifying those who might do harm to the United States. Since our 2002 report, State, in coordination with other agencies, has made substantial improvements to the visa process to strengthen it as a tool to prevent terrorists and others who might pose a threat from entering our country. However, given the large responsibility placed on consular officers, particularly entry-level officers, it is critical that State continue to improve the tools, guidance, and training necessary for them to be effective. In particular, State's assignment system is not effectively meeting the staffing needs of its consular posts. A rigorous assessment of staffing priorities is needed for State to achieve its goal of having

the right people in the right place with the right skills, especially at critical posts of national security concern. Additionally, while visa policies and procedures have been updated and enhanced, these changes must be more clearly communicated to all consular staff to ensure they are consistently and properly applied. Action is also needed at the interagency level to encourage interactions between consular sections, law enforcement officials, and other security officials at post to increase information sharing on terrorism issues relevant to the visa process.

Recommendations for Executive Action

We are making recommendations to further strengthen the visa process as an antiterrorism tool. These recommendations are being directed to the Secretary of State, who is generally responsible for visa operations, and to the Secretary of Homeland Security, who is responsible generally for visa policy.

To further clarify current visa policies and procedures, we recommend that

- the Secretary of State update the *Foreign Affairs Manual* on a regular basis to incorporate all changes in visa policies and procedures; and
- the Secretary of Homeland Security, in consultation with the Secretary of State, develop additional guidance on the relationship between DHS and State in the visa process, including the roles and responsibilities of DHS personnel overseas who assist consular sections and DHS's procedures at points of entry.

To ensure consular sections have the necessary tools to enhance national security and promote legitimate travel, we also recommend that the Secretary of State

- develop a comprehensive plan to address vulnerabilities in consular staffing worldwide, including an analysis of staffing requirements and shortages, foreign language proficiency requirements, and fraud prevention needs, among other things—the plan should systematically determine priority positions that must be filled worldwide based on the relative strategic importance of posts and positions and realistic assumptions of available staff resources;

- report to Congress, within one year of this report, on the implementation of this plan;
- ensure that consular chiefs update interview wait times data on a weekly basis; and
- in consultation with law enforcement and intelligence agencies, further expand consular training in terrorist travel trends, post-specific counterterrorism techniques, and fraud prevention, either at the Foreign Service Institute or at overseas posts.

To ensure that consular officers have access to all relevant information on known or suspected terrorists, we recommend that the Secretary of State, in consultation with appropriate agencies,

- further encourage interactions between consular sections, law enforcement officials, and other security officials at post to increase information sharing with consular officers on terrorism issues relevant to the visa process, including regional or post-specific terrorism trends, either through the Visas Viper process, or other similar interagency mechanisms.

Matter for Congressional Consideration

As GAO has reported,³³ information is a crucial tool in fighting terrorism, and the timely dissemination of that information is critical to maintaining the security of our nation. Although State and the FBI have taken steps to increase the amount of information available to consular officers in the visa process, further information from criminal history files would help facilitate visa adjudication for legitimate travelers. Thus, Congress may wish to require that the Department of State and the Federal Bureau of Investigation develop and report on a plan that details

- the additional information from criminal history records that should be made available to visa adjudicators;

³³GAO-05-207.

- how the FBI proposes to provide this additional information to State;
- the potential concerns associated with increased access to this information such as technology limitations and privacy concerns and how the agencies propose to mitigate these concerns; and
- any legislative changes that may be necessary to facilitate the exchange of this information between FBI and State.

Agency Comments and Our Evaluation

If you or your staff have any questions about this report, please contact me at (202) 512-4128 or fordj@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix V.

Jess T. Ford
Director, International Affairs and Trade

Appendix I: Scope and Methodology

To review the changes to the visa process since 2002, we analyzed consular policies and procedures; resources that support consular functions; and the types of information on known or suspected terrorists that are used to screen visa applicants. For example, we reviewed the 1952 Immigration and Nationality Act,³⁴ as amended; the Homeland Security Act of 2002;³⁵ and other related legislation. In addition, we examined State's *Foreign Affairs Manual* and consular standard operating procedures, and analyzed consular workload and staffing data. We also attended several consular training courses, including those on analytical interviewing techniques, advanced name checking, and fraudulent prevention, conducted at State's Foreign Service training center. In Washington, D.C., we interviewed officials from State's Bureaus of Consular Affairs and Human Resources. We also spoke with officials from the Department of Homeland Security's Border and Transportation Security Directorate, U.S. Citizenship and Immigration Services, and Bureau of Immigration and Customs Enforcement, as well as officials from the Federal Bureau of Investigation in Washington, D.C., and West Virginia.

We visited U.S. consular posts in 7 countries—Egypt, Indonesia, Malaysia, Morocco, Spain, Saudi Arabia, and the United Kingdom. During these visits, we observed visa operations and interviewed consular staff and embassy management about visa adjudication policies, procedures, and resources. We also spoke with officials from other U.S. agencies that assist consular officers in the visa adjudication process.

We also administered 25 structured interviews between January and April 2005 regarding the impact of State's changes to policies and guidance, staffing, training, resources, and interagency coordination on the visa process. The interviews were conducted in-person and by telephone with visa chiefs and other consular affairs staff in overseas posts. We selected posts that were of interest to antiterrorism experts or received a large number

³⁴P.L. 82-414, 8 U.S.C. §1101 et seq.

³⁵P.L. 107-296.

of third-country national applications from countries of interest to antiterrorism efforts: Abu Dhabi, Beirut, Brussels, Cairo, Casablanca, Damascus, Dubai, Frankfurt, Islamabad, Jakarta, Jeddah, Jerusalem, Kuala Lumpur, Lagos, London, Madrid, Mexico City, Muscat, Nairobi, Paris, Riyadh, Rome, Sana'a, Tunis, and Toronto. The responses to the structured interviews are not intended to be representative of all posts.

The structured interview contained open- and close-ended questions about staffing, policy guidance, screening procedures, training, workload, facilities, foreign language proficiency, fraud prevention, and the impact of changes to the visa process since September 11, 2001. We developed the interview questions based on our review of the documentation and data listed above. We also pretested the interview with four current and former nonimmigrant visa chiefs to ensure that the questions were clear and could be answered. We modified the interview questions on the basis of the pretest results and internal expert technical review. We provided the visa chiefs and other consular officials with the questions in advance to allow them time to gather any data necessary for the interview. We also conducted follow-up discussions with each of the posts for more detailed information about staffing.

To assess the reliability of State's human capital data on consular staffing and officers' foreign language proficiency, we queried human capital officials at State and examined the data electronically. We determined that the data were sufficiently reliable to report on consular staffing and language proficiency data between fiscal year 2002 through April 2005.

To determine the reliability of State's data on wait times for applicant interviews, we reviewed the department's procedures for capturing these data, interviewed the officials in Washington who monitor and use these data, and examined the data electronically. We analyzed interview wait times for applicant's applying for visas for temporary business or tourism purposes, and did not analyze wait times for other types of visas, including student visas. Specifically, we queried the database to show the (1) consular post, (2) date of last entry, and (3) reported wait time for all visa-issuing posts from

October 2004 through March 2005. We performed independent checks of these data during our structured interviews with 25 consular posts, as well as our visits to 8 posts overseas. We found missing data throughout the six-month period because posts were not reporting each week. Based on our analysis, we determined that the data were not sufficiently reliable to determine the exact magnitude of the problem because the exact number of posts with a 30-day or more wait could not be determined. Consular officials who manage consular sections overseas acknowledged that many posts are not reporting on a weekly basis. We conducted our work from August 2004 through August 2005, in accordance with generally accepted government auditing standards.

Appendix II: Comments from the Department of State

Appendix III: Comments from the Department of Homeland Security

Appendix IV: Comments from the Department of Justice

Appendix V: GAO Contact and Staff Acknowledgements

GAO Contact

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